# Butte Department

There's More Than an Even Chance That It'll Be Dismissed.

PETITIONS, SUITS AND TRIALS

A Eatch of Business for Consider tion by Both Departments of the District Court-Set for Hearing.

Nearly two years and a half ago "Dr." Carl Schultz was arrested on the charge of forgery for raising an \$80 note to \$800 The note had been given him by one John J. McDonald in payment for "medical" services. On the 14th of August, 1894, an information was filed against Schultz. He was arraigned, pleaded not guilty and was released on \$750 bonds. That was the last heard of the case until yesterday morning, when Miles J. Cavanaugh, appearing as attorney for Schultz, made motion to have the case against the "great European specialist" dismissed for want of prosecution. He said the defendant had always been around and might have been put on trial at any time.

Mr. Cavanaugh referred to section 2550 of the penal code, which says that the court, unless good cause to the contrary is shown, must order the prosecution to be dismissed if a defendant, whose trial has not been postponed upon his application, is not brought to trial within six months after the finding of the indictment or filing of the information. Judge Speer declined to hear the motion yesterday, but set it for hearing next Saturday, when the case against Schultz will probably be

In the receivership case of Pat Mullins against the Butte Hardware company, which Judge Speer has had under advisement for several months, a decision was rendered yesterday to the effect that all defendants owning property or collecting rents from portions of the property in dis-pute, the Yellow Jacket lode, must pay the rents into the hands of the receiver. The court ordered that the money so far collected shall be paid to the receiver

within ten days.

A demurrer in the damage suit of Peter Wastl against the Montana Union was overruled and a demurrer in the case of Mary Schults against John O'Rourke a demurrer was sustained. The latter suit was an action for dividends alleged to be due on some messenger company stock and the court decided that the suit should have been brought against the company natead of a trustee

A motion for a new trial in the case of manuel Gallick against T. J. Bordeaux was overruled.

An amended complaint in the case

Smalley against Heinze was permitted to be filed and the defendant was given 30

days to answer.

The appeal of Dr. T. J. Murray from an order of the county commissioners disallowing a claim for taking care of a county case, was set for hearing next Saturday.

Saturday.

Felix Belenger yesterday filed in court a petition to be appointed administrator of the estate of Camile Pilon, deceased. The petition states that the estate consists of \$547.50 worth of insurance in the Butte & Boston insurance concern, and \$99.60 in wages coming from the Boston & Mon-tana, and a mining claim in Jefferson county. The deceased left a widow and

two children.

David Anderson yesterday commenced a suit against Dan Drew and Joseph Goggin for \$21.50 and to foreclose a lien on a dwelling house on the Ridgely lode. An attorney's fee of \$50 is also asked for. Judge McHatton called his calendar yes-

terday and set the following cases for trial: Kate Suiteovich et al vs. George Mravenich, R. M. Renshaw vs. Charles Heilbronner, Ollie J. Dial vs. Jerry Suilivan et al. Thornton-Thomas company vs. Montana Lime & Flux company, Nov. 16; Emil Petroni vs. Michael Stefani, John Hamilton vs. Lexington Mining company, A. Velleman vs. S. Paltrovich et al, A. M. Dusseault vs. Samuel J. Reynolds, Nov. 17; John Caplice company vs. Dan Drew, Anna Freize vs. Moses Linz, Harry Adler vs. Miners' & Mechanics' Mercantile comvs. Miners' & Mechanics' Mercantile company, Henry Fletchall vs. Jerry McCarthy, Nov. 18; George Lacombe vs. Samuel J. Reynolds, James Peirie vs. George Ross, Peter Prudhomme vs. A. M. Dussault et al, Royal Milling company vs. Benham & Guest, Nov. 19; W. T. Eastman company vs. Parker & Matthews, W. T. Eastman company vs. Stephen Parker et al, Schatzlein Paint company vs. P. J. Loftus et al, May J. Wey vs. E. E. Lynch et al, Nov. 20.

et al, Nov. 20.

Judge Dixon again brought up the question of the new contests of the Davis will and asked that they be set for trial. He said his side would be ready for trial by Nov. 23, but Attorney Drennen said his client could not be ready for trial be-fore the first of January and that the New York attorneys in the case could not be ready before that ime. He also said the administrator of the estate of Pet Davis, a necessary party to the action, had not yet been brought into court. Judge Dixon said that as it depended on the contestants to bring that party in the case might never be tried. Judge Mc-Hatton decided not to set the case and his successor will have to try the con-

The injunction case of Gassert against Sloan was partially heard by Judge Mc-Hatton yesterday afternoon and the fur-ther hearing continued until next Satur-

Edgar Dayton applied to Judge McHatton yesterday for a writ of certiorari against M. L. Holland, justice of the peace. Dayton was defendant in two small civil suits which were tried before Judge Holland. When the cases were tried and submitted to the judge the latter continued them over for one day and then decided against the defendant. Day-ton, by his attorney, O. M. Hall, raises the question that he judge lost jurisdic-tion when he made a continuance and that the judgments are therefore void, Charles Wunderlich brought suit

against Walter Decker for \$260 due on a note upon which Wunderlich was surety and which he had to pay, and also for \$250 for money loaned the defendant. An attachment was issued.

#### SUIT FOR DAMAGES. To Make an Example of the Butte Water

Company. The Butter water company was made defendant yesterday in a suit for damages brought by James Lambe and Duncan McRae, who ask the court to make an example of the concern. The plaintiffs allege in their complaint that they are the owners of the Iowa and Red Cloud lode claims located near the old town of Highland and that in August, 1895, the water company took unlawful possession of a portion of the two claims and constructed a water ditch 1,800 feet long and six feet wide across the ground. The property, they say, is only useful for mining purposes

CARL SCHULTZ'S CASE and the trespass of the company caused the owners of the ground great caused the owners of the ground great annoyance and expense and deprived them of the use and means for work-, ing the claims. They have for a year or more been anxious to pursue the op-erations of mining, but the water com-pany prevented them from doing so. They say they have made repeated ef-forts to settle with the company, but the latter ignored their rights except to the latter ignored their rights except to offer them \$150 for a right of way over their grounds and \$100 damages, which offers were refused. The company's manager then threatened to "bring appraisers out," and said he would see praisers out," and said he would see that the owners of the ground got nothing, intending to say, as the complaint alleges, that the corporation would use its wealth and influence to maliciously oppress and defraud the plaintiffs and wrong and injure them. The defendant, says the complaint, should be made an example of and should be made an example of and should be made at the same of the the same of the same o should be mulcted therefor and for the sake of an example should be made to pay the plaintiffs \$1,000 general damages for depriving them of the prop-erty and \$1,000 as exemplary damages. The restitution of the ground is also asked for. J. E. Healy is attorney for the plaintiffs

#### GALLAGHER THE ERRATIC. Six Months for Stealing Dr. Cayley's

Clothes-In Police Court. J. P. Gallagher, the erratic young doc-tor-lawyer from Canada, was tried before a jury in Judge Almon's court yesterday afternoon on a charge of petit larceny. Several witnesses who had known Gal-lagher in Canada testified to his standing while there and it appeared from their evidence that he is another one of the young fellows who cannot stand the high

altitude of Butte.

Defendant pleaded his own case and made an extended argument, but he was not sufficiently eloquent to convince the jury that he had not stolen Dr. Cayley's clothes. A verdict of guilty was returned and Judge Almon sent him up for six

Dave Roberts and Peté McCarthy, who were charged with having held up John Boyle, were dismissed on the evidence of the complaining witness.

#### THE NEW MINISTER.

Rev. Lounsbury of Wisconsin Will Preach To-Day at the Mountain View.

Rev. Dr. E. B. Lounsbury, the new paster of the Mountain View M. E. church, who will preach his first ser-mon this morning, comes to Butte from

mon this morning, comes to Butte from Lake Mills, Wis. He had been there for three years and was just about to receive his fourth appointment when he aranged a permanent exchange of pulpits with Mr. Rollins. He came to Butte for the benefit of his health, which has never been good in the East. Dr. Lounsbury is 45 years old and entered the ministry when he was but 21, but was out of it eight years and went into business. He is a graduate of Albert university at Belleville, Ont., and received his theological education at the Garrett Biblical institute at Evanston, Ill. He is an exceptionally pleasant gentleman and has created a most favorable impression.

Don't Ring, I Will Ring for You. Listen to the telephone operators' caution and pay attention, Monday and thereafter. The telephone exchange and long distance offices will be switched to the new Telephone building on Sunday afternoon, Nov. 8, and a new system of ringing inaugurated. The subscriber will give one ring to call the operator and one ring when through talking and that is all The operator will ring for the number wanted. After giving the number wanted. After giving the number wanted to the operator hold the telewanted to the operator hold the tele-phone to your ear until the party call-ed for answers or the operator says "line is busy." Any ring given by the subscriber after the first ring will mean to the operator that he is through talking and line is to be disconnected. Subscribers are requested to give close attention to these instructions and avoid the confusion that would other-wise follow. The change in method of wise follow. The change in method of ringing will also apply to Anaconda and Deer Lodge. ROCKY MOUNTAIN BELL TELE-PHONE CO.

#### IN THE CHURCHES.

Church services will be held in Butte to-day as follows:

St. John's Episcopal church-S. C. Blackiston, rector. Holy communion at 10:30 a. m.; morning prayer and ser-mon at 11 a. m.; evening prayer and sermon at 7:30 p. m.; Sunday school at

Immanuel Presbyterian Church—Services at East Mercury street. Preaching at 11 a. m. and 7:30 p. m.; Endeavor meeting at 6:30 p. m.; Sunday school, 2 p. m.; prayer meeting Wednesday evening at 7:30 o'clock. All are

Swedish Lutheran Church-Services in the Congregational church on West Granite street at 11 a.m. and 8 p.m. M. E. Olson, pastor.

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M. E. Church, South—Corner of Gelena and Idaho. Preaching at 11 a. m. and 7:30 p. m.; Sunday school at 10 a. m.; preaching at Burlington, 4 p. m. S. Tabor, pastor.

Scandinavian M. E. Church-Corner Scandinaviah M. E. Church—Corner Copper and Alaska streets. Services to-day at 11 a. m. and 8 p. m.; Sunday school at 2 o'clock p. m.; prayer and class meeting on Wednesday evening. You are all cordially invited to these ervices. P. N. Melby, pastor. First Presbyterian Church—Rev. E.

J. Groeneveld, pastor. At the Audito-rium regular services will be held at 11 a. m. and 7:30 p. m.; Sunday school at 12:15; Y. P. S. C. E. at 6:30 p. m. All

are cordially invited.

South Butte and Meaderville M. E. Church—Rev. J. Hosking, pastor.

South Butte, preaching at 11 a. m. by pastor; Sunday school at 2:30 p. m.; evening a praise service, Rev. W. C. Sherris, leader. Meaderville, Sunday school at 2:30 p. m.; Epworth League at 7 p. m.; leader, Miss Minnie Will-iams; preaching at 7:30 p. m. by the

Baptist Church—J. E. Noftsinger, pastor; preaching at 11 a. m. and 7:30 p. m. Morning subject, "Israel's Inheritance;" evening subject, "The Scarlet Line." Sunday school after morning service. Young people's meeting 6:30 p. m. hardien after extractions 6:30 p. m. hardien after extractions. ing. 6:30 p. m.; baptism after evening service. All are cordially invited. There will be preaching in the Presbyterian church in South Butte this evening at 7:30 o'clock.

When Baby was sick, we gave her Castoria, When she was a Child, she cried for Castoria, When she became Miss, she clung to Castoria,

When she had Children, she gave them Castoria,

## CALLAHAN THE BUM The Agony Is Over

He Still Lives, Although He Tried to Commit Euicide.

COULDN'T GET HIS WHISKEY

So He Saw a Rope Dangling From an Awning, and he Suspended Himself From the Big and of it.

Discouraged and despondent because of the heart-breaking fact that his supply of free whiskey had been cut off, Callahan the Bum made a deliberoff, Callahan the Bum made a deliberate attempt at suicide yesterday and although it was made at the principal corner in the city it came very near being successful. He is not discouraged, however, over the failure of his first attempt at suicide, and he has promised that he will be more careful the next time he tries it and pick out a quiet spot where he will not be interfered with.

When Callahan started out over his whiskey route yesterday morning and

whiskey route yesterday morning and the black bottle was refused him at the very first saloon he visited, it took his breath away for a minute, but he concluded that the bartender was a little cranky and moved on to the next little cranky and moved on to the next place. There he was given the marble heart again, but nothing daunted, he tackled a third saloon. By that time he was getting pretty thirsty and when the bartender gave him a strong glare in place of setting out the "bum bottle," a deep and unutterable sorrow filled Callahan's heart. Tears filled his eyes, but they failed of any persuasive effect on the bartender, and old "Shon" was compelled to move on. Other saloons in which he had never before been refused his morning's morning, were visited in rapid succession, but with no better success, and it finally dawned upon the old man that he had been cut off from the free list. A realization of this unwelcome list. A realization of this unwelcome fact broke his heart, and after think ing the matter over as seriously as possible, he concluded that life was no longer worth living and decided to end it. This decision was reached a little before 12 o'clock and he lost no time

in carrying it out.

A rope hanging from an awning at Hight & Fairfield's jewelry store at the corner of Main and Broadway furthe corner of Main and Broadway furnished a means of exit from a cruel and whiskeyless world that suited Callahan's ideas exactly. Coroner Richards was standing on the opposite corner and the old man smiled at the thought of how soon that official would be in charge of what was left of him. He made a noose in the end of the rope, stuck his head through it, pulled it tight and then kicked his feet out from under him and settled down with all of his weight on the rope. Passers by glanced at him, but supposed that he was simply leaning up against the building and passed on. In a moment or two his tongue was protruding several inches and then his face commenced to turn purple from strangulation. Just about that time Officers Sinsel and Stoneburg discovered his predicament and cut him down and removed him to the jail. He was nearly governed to warfer of

predicament and cut him down and removed him to the jail. He was nearly gone and it was fully a quarter of an hour before he regained consciousness. Inen he was locked up and a charge of being drunk and attempting suicide was placed against him.

"They have cut off my whiskey," explained Callahan through the bars, "and I don't want to live any longer. You fooled me this time, but I will hang myself yet, you see if I don't. Here I have been talking my brains out for free silver and then they shut off my whiskey," and the old man wept deeply over his great sorrow. ply over Callahan is probably the best known character in the city. He spends a great part of his time in jail and a special bottle of jim jam medicine is kept on hand there constantly for his kept on hand there constantly for his benefit. He had a severe attack of the snakes a week ago and was turned out only two or three days ago. He now seems to be on the verge of see-ing another menagerie, with snakes as the predominant feature, and there will probably be very little rest for the other prisoners at the city jail during the next few days. the next few days.

WOMAN SUFFRACE. A Convention Is Called for Monday at

Mrs. Corbin's Home. A convention of those in Silver Bow county who believe in political equality or the advancement of women will be held Monday evening at 8 o'clock at the residence of Mrs. Corbin, No. 502 West Park street. All political equality clubs and organizations in the ity clubs and organizations in the county are requested to have representatives present. This will be preliminary to a state convention which will be held very soon, when a state organization will be effected. The women will organize thoroughly and prosecute the work thoroughly and systematically and they intend to vote for Bryan in Montana four years hence. The Montana legislature is likely to hear from them during the winter.

The seal coat given away by O. K. Lewis & Co., will be made of finest Alaska sealskin, handsome lining, best trimmings. A perfect gem and valued

The funeral of J. H. Rankin will take place from the family residence, North Montana street, to-day at 2 o'clock.

The Butte, Anaconda & Pacific railway have tickets on sale at the Great Northern city ticket office, 41 Main street. Street car tickets free.

Someone will get a \$400 scalekin jacket, made to their order, any style, at O. K. Lewis & Co.'a. Every purchaser of a dollar's worth sets a ticket.

# GALT GOOD

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Men's heavy Camel's Hair Under-" | Men's Australian Wool, very fine

ear37%c	Shirts and Drawers \$1.50
n's heavy natural color Shirts	Men's fine Wool Sox, all colors, 3
no neary necce-inted, punta	Měn's fine Merino Sox250
nd Drawers50c	Men's fine Cashmere Sox5Qc
	And everything you may wish in Winter Caps, Gloves, Mitts, Overshoes,
n's heavy wool Shirts and brawers	etc. We have a full line of the cele- brated Dr. Jaeger Underwear always on hand in all weights for Men, Wo-
n's heavy Shirts and Drawers, ery fine	men and Children. Send for illus- trated catalogue and samples of cloth.

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We want to wake you up, and have

An Alarm Glock for \$1.00

that is a rattler. We warrant it.

Fancy Bedroom Clocks, worth \$4. \$3.25

8-Day Strike and Alarm Clocks, cheap at \$6.00.

used to be \$ 10.00, we sell for \$ 4.50.

A new Invoice of Clocks just opened. Prices the lowest.

J. H. LEYSON, Optician and Jeweler,

PREMIUMS, \$200.00.

Gold Watch to be given away. Every customer gets a ticket on work or

STREET CAR TICKETS given to customers. Sheet Music from Stewart

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give attention to the fact that we carry one of the most

Stoves and Ranges,

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SHELF HARDWARE.

Cutlery, Guns, Ammunition, Etc.,

And make Prices that sell the goods.

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WHEN ALL IS SAID AND DONE

When all has been said that can be said, and all is done that it is necessary to do to reach an intelligent conclusion upon the comparative merits of the many grocery stores in this city, the decision reached by a large majority of consumers is that

AND An Absolutely Correct Scale of Prices.

It has long been our ambition to ewn and operate the finest and the best grocery establishment in the state, and how well we have suc-ceeded is abundantly attested by the steadily increasing volume of our business and the rapidly growing number of our patrons.

WE AVOID SHODDY IN EVERY SENSE

P. J. BROPHY & CO.

GROCERS AND IMPORTERS

A Greater Variety of First-Class Goods,

Your patronage is respectfully solicited.

Butte, Mont.

A Nearer Approach to Perfect Service,

immense stocks of

tisement for the next two or three days, but will

-HERE ARE BARGAINS

120-122 North Main Street, Butte Mont

# FREE

We give with every pair of School Shoes bought of us a Handsome Tablet. This Tablet in made of Good Paper, and is very useful, especially to School Children. Our stock of

## School Shoes

Is a large one, and prices as low as the lowest.

Child's all-grain, button, heel or apring heel, sole leather tip, sizes 12 to 2.... 85 Cents Child's all-grain, button, heel or spring heel, sole leather tip, sizes 5 to 11....

\$1.00; 1 to 2, \$1.25 Child's oil-grain, button, spring heel, sizes 12 to 2.....

Child's Kangaroo calf, button, heel or spring heel, 12 to 2.....

Child's Kangaroo calf, button, spring heel, patent leather tip, heavy sole; sizes 6 to 11...... \$1.50; 12 to 2, \$1.75

We have finer and lighter grades at from \$1.00 to \$2.50.

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TO THE LADIES OF PHILIPSBURG

Shall be in your town on the oth, 10th and 11th of November, with my hair goods and

famous preparations for the face." MADAME SHIELDS